



CofC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Lars GULLBERG

Patent No: 6,039,497

Issued: March 21, 2000

For: METHOD FOR COUPLING AND A COUPLING  
DEVICE

~~Certificate~~  
~~MAY 19 2003~~ AJ  
~~of Correction~~

PETITION

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Attention: Supervisory Patent Examiner  
Tech Center 3600

RECEIVED  
MAY 27 2003  
GROUP 3600

Sir:

Patentee petitions against the denial by the Decisions and Certificate of Corrections Branch of the request for reconsideration of the denial of a request for certificate of correction.

The request for certificate of correction filed on April 18, 2000 refers to corrections needed at column 4, line 21 and column 4, line 40. The reference to column 4, line 21, is incorrect and should refer to column 4, line 32. A corrected form 1050 reflecting this change is enclosed herewith in duplicate.

The error in this case is not clearly minor, clerical or typographical since it affects the scope of the patent claims and accordingly, under MPEP 1002.02(d), this petition should not be handled by the Decisions and Certificate of Corrections Branch but by the Supervisory Patent Examiner.

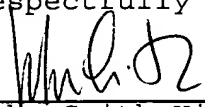
This petition is concerned with four claims: application claim 6, which was renumbered for issue as patent claim 1; application claim 9, which was renumbered for issue as claim 4; application claim 11, which was originally dependent on application claim 10 and was amended by the reply to the Office Action mailed July 1, 1999 to become dependent on application claim 6 and was renumbered for issue as patent claim 5; and application claim 13, which was originally dependent on application claim 10 and was amended by the reply to the Office Action mailed July 1, 1999 to become dependent on application claim 6 and was renumbered for issue as patent claim 7.

It appears from the record that when the examiner was preparing the application for issue he not only renumbered application claims 11 and 13 to become patent claims 5 and 7 but also changed the dependencies of application claims 11 and 13 so that they became dependent on application claim 9 (patent claim 4) instead of application claim 6 (patent claim 1).

Patentee filed a request for a certificate of correction on April 18, 2000 and the request was denied on November 1, 2002 on the ground that the errors at column 4, lines 31 and 40 were permissible amendments under MPEP 1302.04. Applicant requested reconsideration on November 15, 2002 on the ground that the amendments were not merely formal and therefore should not have been made without the applicant's consent. The request for reconsideration was denied on April 18, 2003 on the ground that the requested changes would change the scope of the claims and the claims should be maintained as allowed by the examiner.

The examiner had no right to amend the claims without the applicant's consent by changing the dependency of application claims 11 and 13 so that they became dependent on application claim 9 (patent claim 4). Therefore, the fact that the claims, as amended, were allowed by the examiner is irrelevant to whether the errors should be corrected. The examiner changed the scope of the claims without notice to the applicant and without the applicant's consent and this is precisely why the certificate of correction is requested. The changes made by the examiner are particularly inappropriate because application claims 11 and 13 were originally dependent on claim 10, and claim 6 was amended to include the features of claim 10. In the circumstances, the patentee requests that the previous denial of the request for a certificate of correction should be withdrawn and that the Decisions and Certificate of Corrections Branch should be directed to issue a certificate of correction as requested.

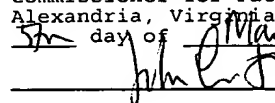
Respectfully submitted,

  
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John Smith-Hill  
Reg. No. 27,730

SMITH-HILL AND BEDELL, P.C.  
12670 N.W. Barnes Road, #104  
Portland, Oregon 97229  
Tel: (503) 574-3100  
Fax: (503) 574-3197  
Docket: AWEK 1568  
Postcard: 05/03-4

Certificate of Mailing

I hereby certify that this correspondence is being deposited as first class mail with the United States Postal Service with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 5th day of May, 2003.

  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO. : 6,039,497  
DATED : March 21, 2000  
INVENTOR(S) : Lars Gullberg

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 4, line 32 (claim 5, line 1), "4" should be deleted and replaced with --1--.

Column 4, line 40 (claim 7, line 1), "4" should be deleted and replaced with --1--.

MAILING ADDRESS OF SENDER:

SMITH-HILL AND BEDELL, P.C.  
12670 N.W. Barnes Road, #104  
Portland, Oregon 97229

PATENT NO. 6,039,497  
ATTORNEY DOCKET AWEK 1568